

**ASSEMBLY BILL**

**No. 1688**

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**Introduced by Assembly Member Cook**

February 23, 2007

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An act to amend Section 802 of the Penal Code, relating to statutes of limitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as introduced, Cook. Statutes of limitation.

Existing law establishes time limitations for the commencement of prosecution for specified criminal offenses.

This bill would make technical, nonsubstantive changes to existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 802 of the Penal Code is amended to  
2     read:  
3     802. (a) Except as provided in subdivision (b), (c), or (d),  
4     prosecution for an offense not punishable by death or imprisonment  
5     in the state prison shall be commenced within one year after *the*  
6     commission of the offense.  
7     (b) Prosecution for a misdemeanor violation of Section 647.6  
8     or former Section 647a committed with or upon a minor under the  
9     age of 14 years shall be commenced within three years after *the*  
10    commission of the offense.

1 (c) Prosecution of a misdemeanor violation of Section 729 of  
2 the Business and Professions Code shall be commenced within  
3 two years after *the* commission of the offense.

4 (d) Prosecution of a misdemeanor violation of Chapter 9  
5 (commencing with Section 7000) of Division 3 of the Business  
6 and Professions Code shall be commenced as follows:

7 (1) With respect to Sections 7028.17, 7068.5, and 7068.7 of the  
8 Business and Professions Code, within one year of the commission  
9 of the offense.

10 (2) With respect to Sections 7027.1, 7028.1, 7028.15, 7118.4,  
11 7118.5, 7118.6, 7126, 7153, 7156, 7157, 7158, 7159.5 (licensee  
12 only), 7159.14 (licensee only), 7161, and 7189 of the Business  
13 and Professions Code, within two years of the commission of the  
14 offense.

15 (3) With respect to Sections 7027.3 and 7028.16 of the Business  
16 and Professions Code, within three years of the commission of the  
17 offense.

18 (4) With respect to Sections 7028, 7159.5 (nonlicensee only),  
19 and 7159.14 (nonlicensee only), of the Business and Professions  
20 Code, within four years of the commission of the offense.

21 (e) This section shall become operative on July 1, 2005, only  
22 if Senate Bill 30 of the 2003–04 Regular Session is enacted and  
23 becomes effective on or before January 1, 2005.